

**PATROL GUIDE**

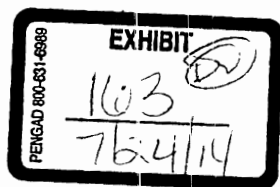
Section: Personnel Matters		Procedure No: 205-38	
INVESTIGATION OF INCIDENTS OF RETALIATION AGAINST MEMBERS OF THE SERVICE			
DATE ISSUED 02/23/07	DATE EFFECTIVE 03/02/07	REVISION NUMBER: 07-01	PAGE: 1 of 3

PURPOSE

To provide guidelines in accordance with the provisions of the Whistleblowers Law for the investigation of allegations of retaliation made by members of the service who have voluntarily reported misconduct or corruption.

DEFINITION

WHISTLEBLOWERS LAW - An Administrative Code provision which encourages City employees to report improper conduct, i.e., corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, within their respective agencies. This law protects City employees who report such wrongdoing from any form of retaliation, i.e., dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected employee.

**SCOPE**

The Department has the responsibility to encourage members to come forward and voluntarily provide information regarding misconduct and corruption. Inherent in this responsibility is the ability to protect those members from retaliation. **IT IS THE POLICY OF THIS DEPARTMENT THAT RETALIATION AGAINST ANY MEMBER OF THE SERVICE FOR VOLUNTARILY PROVIDING INFORMATION REGARDING MISCONDUCT AND CORRUPTION WILL NOT BE TOLERATED.**

PROCEDURE

When a member of the service believes he/she is the victim of retaliation for voluntarily providing information regarding misconduct or corruption.

**MEMBER OF
THE SERVICE**

1. Notify Internal Affairs Bureau Command Center at (212) 741-8401.

NOTE

*A member of the service may elect to report that he or she has been the victim of retaliation as outlined in this procedure directly to the Employee Relations Section. If such a complaint is received at the Employee Relations Section, or any unit other than the Internal Affairs Bureau (whether from the member directly or from an outside agency/organization) the unit receiving the complaint **MUST** notify the Internal Affairs Bureau and forward all pertinent information directly to the Internal Affairs Bureau for appropriate action.*

Any member of the service who is made aware of an allegation of retaliation for reporting wrongdoing shall make reasonable efforts to protect the anonymity and confidentiality of the employee making the allegation.

**MEMBER
CONCERNED,
IAB
COMMAND
CENTER**

2. Record pertinent information and assign a log number.
3. Have an immediate preliminary investigation conducted to obtain all available facts and evidence.
 - a. Indicate results in log.

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NOTE *Members of the service should comply with the provisions of P.G. 205-36, "Employment Discrimination," to lodge a complaint of retaliation regarding an equal employment opportunity issue. Allegations of retaliation involving equal employment opportunity issues (employment discrimination, sexual harassment, etc.) MUST be referred to the Office of Equal Employment Opportunity for investigation.*

CHIEF OF INTERNAL AFFAIRS

4. Evaluate each complaint to determine whether the case may fall within the purview of the Whistleblowers Law.
5. Refer cases requiring further investigation concerning violations of the Whistleblowers Law to either the Internal Affairs Bureau or Office of Equal Employment Opportunity, as applicable.

NOTE *Only the Internal Affairs Bureau or Office of Equal Employment Opportunity are authorized to conduct investigations involving allegations of retaliation against any member of the service for voluntarily having provided information regarding misconduct or corruption. Allegations which do not violate the Whistleblowers Law will be referred to the appropriate investigative unit concerned for additional action.*

6. Forward notification to the Employee Relations Section of allegations of violations of the Whistleblower Law. Notification will NOT be made for allegations that have been referred to OEEO.

NOTE *In certain instances, to maintain the confidentiality of an associated investigation, notification to the Employee Relations Section will not be made until such time as the Internal Affairs Bureau deems it appropriate.*

EMPLOYEE RELATIONS SECTION

7. Contact complainant upon receipt of notification and offer the services of the appropriate Department employee assistance program.

IAB INVESTIGATIVE GROUP

8. Forward report through channels upon completion of investigation.

NOTE *Due to the need to maintain the confidentiality of investigations to the extent possible, OEEO will not be required to forward reports of employment discrimination retaliation. These reports will remain on file at OEEO until such time that disclosure thereof is necessary.*

CHIEF OF INTERNAL AFFAIRS

9. Forward report and recommendations to the Police Commissioner.

POLICE COMMISSIONER

10. Review report and direct necessary action.

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**ADDITIONAL
DATA**

Members of the service are reminded that the Department has several employee assistance units available to provide help in addressing a personal or professional problem. To obtain additional information regarding the types of services provided by these units, members can refer to the Department publication entitled EMPLOYEE ASSISTANCE PROGRAMS AND RESOURCE BOOKLET (BM497).

Members of the service who voluntarily provide information or assistance in internal/external investigations should be acknowledged for their high acts of integrity. In order to acknowledge such members, while maintaining the confidentiality of their actions, a sub-committee of the Integrity Review Board is established. This special sub-committee shall consist of the First Deputy Commissioner, Chief of Personnel, and the Chief of Internal Affairs (principals only, no representatives). It will be the responsibility of the sub-committee to review the actions of those members of the service who have voluntarily come forward and provided information, and recommend appropriate acknowledgement to the Police Commissioner.

**RELATED
PROCEDURES**

Employment Discrimination (P.G. 205-36)

**FOFMS AND
REFORTS**

Typed Letterhead